

REMARKS

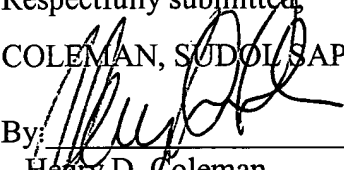
After amendment, claims 1-26 and 31-32 are pending in the present application. Claims 27-30 have been canceled pursuant to the Examiner's restriction requirement. Claim 1 has been amended *without prejudice* to address the anticipatory rejection made by the Examiner over the cited art and Applicants' election to prosecute the acetylenic species in the previously submitted response to the Examiner's restriction requirement. Applicants note that they may wish to file a divisional application directed to subject matter which has been cancelled from the instant application, including subject matter which is based upon an acetylenic moiety. Applicants believe that at least a portion of this subject matter is patentable over the cited prior art. Note that new claims 31 and 32 are specifically directed to the elected *species*. Applicants further note that the subject matter of claim 31-32 represents a narrow species which substantively is covered by claim 1 and claim 14.

Support for the amendment to the claims can be found in the original application and claims. Note that claim 1 and claim 14 generically cover the subject matter of claims 31 and 32. It is noted here that the term "alkyl" also refers to cycloalkyl (page 8, lines 3-4) as being one of the delineated alkyl groups. Because R_a may be an O-alkyl group and R_b may be an amine group substituted with an optionally substituted C₁-C₁₀ alkyl group (which alkyl group may be cycloalkyl according to the definition of alkyl group in the specification) and a cyclohexyl group is a C₆ alkyl group as defined by the present invention, clearly claim 1 covers the chemical species of claims 31 and 32. See the Examiner's discussion on page 3 in the italicized second paragraph.

The Examiner has rejected the originally filed claims 1, 7, 11, 14, 20 and 24 under 35 U.S.C. §102(b) as being anticipated by the prior art for the reasons cited by the Examiner in the office action on pages 3-4. It is respectfully submitted that this rejection has been rendered moot by the introduction of the amendment to the claims. Note that the claimed compounds require

two keto groups in positions alpha to the acetylenic moiety in the claimed compounds and compositions, thus obviating the Examiner's rejection over the art which discloses compounds which don't meet the claim limitations. Consequently, the instant invention is not rendered unpatentable by the cited art.

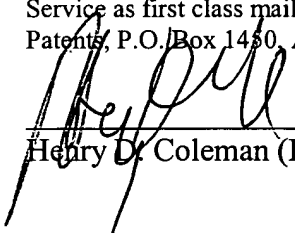
For the above reasons, Applicants respectfully submit that the application is in condition for allowance and such action is earnestly solicited. Applicants have cancelled four claims (one independent) and added two claims (both dependent). No fee is due for the presentation of the instant amendment. A petition for a one month extension of time is enclosed as is the fee of \$60. The Commissioner is authorized to charge any deficiency in the fee or any overpayment to deposit account 04-0838. The Examiner is cordially requested to call the undersigned attorney if the Examiner believes that a telephonic discussion may materially advance the prosecution of the instant application in any way.

Respectfully submitted,
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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450, dated November 7, 2005.


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Amendment/Response 11/05
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